

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:) Case No.: 17-15719
Sean W McKane and Danielle E McKane)
) Chapter 13
)
Debtor(s).) Judge Pamela S. Hollis (WILL)

NOTICE OF MOTION

To: Sean W McKane and Danielle E McKane, 15528 Bowie Dr Westfield, IN 46074 *via US Mail*
Glenn Stearns, Chapter 13 Trustee *notice via ECF delivery system*
The United States Trustee *notice via ECF delivery system*
Nationstar Mortgage LLC, d/b/a Mr. Cooper, PO Box 619096, Dallas, Texas 75261-9741
via US mail
SHAPIRO KREISMAN & ASSOCIATES, LLC, Michael N Burke, 2121 Waukegan Road, Suite 301, Bannockburn, IL 60015 *via US mail*
Autumn Creek of Yorkville, c/o CAB, PO Box 66541, Phoenix, AZ, 85082
Secretary of Housing and Urban Development, Att: Bankruptcy Division, 451 7th Street S.W., Washington, D.C., 20410
See attached service list

On March 1, 2019 at 10:45 a.m. or soon thereafter as I may be heard, I shall appear before Bankruptcy Judge Pamela S. Hollis or any other Bankruptcy Judge presiding at Joliet City Hall 150 West Jefferson Street 2nd Floor Joliet, Illinois 60432, and shall present the Motion to Use Sell or Lease Property 363(b), at which time you may appear if so desired.

/s/ David H. Cutler
David H. Cutler, esq.
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

The undersigned, an Attorney, does hereby certify that a copy of this Notice and Motion was filed AND sent electronically and via US MAIL to the above captioned by 7:30 p.m. on or before February 15, 2019.

/s/ David H. Cutler
Attorney for Debtor(s)

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**MOTION TO USE SELL OR LEASE PROPERTY 363(b) FOR THE PURPOSES OF A
SHORT SALE**

NOW COME, the Debtors, Sean W McKane and Danielle E McKane, (hereinafter referred to as "DEBTORS"), by and through their attorneys, Cutler and Associates, Ltd., and move this Honorable Court for entry of an Order Authorizing the Short Sale Agreement the Debtor entered with a third-party buyer, and in support thereof, respectfully represent as follows:

1. On May 22, 2017 the Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code;
2. Debtors Chapter 13 was confirmed on July 21, 2017.
3. Debtors would like to accept an offer to short-sale their real property located at 2539 Emerald Lane, Yorkville, IL 60560 (See attached Exhibit A respectfully);
4. The Debtors real estate property is encumbered by a mortgage with Nationstar Mortgage LLC., d/b/a Mr. Cooper, in the total amount of approximately \$189811.56
5. The Debtors real estate property is also encumbered by an agreement with the Secretary of Housing and Urban Development, in the total amount of approximately \$72,221.

6. The Debtors have a benefit to a short sale for this property so there is no deficiency that they will need to pay through the plan;
7. Therefore, the Debtors request that this Honorable Court allow them to enter into this short-sale agreement.

WHEREFORE, Debtors respectfully pray that this Court enter an order allowing them to use, sell or lease their property more so granting them authority to enter in the short-sale agreement for their property located at 2539 Emerald Lane, Yorkville, IL 60560, and for such other and further relief this court deems just and equitable.

Respectfully submitted,

By: /s/ David H. Cutler

David H. Cutler, esq.
Attorney for Debtor(s)
Cutler & Associates Ltd.
4131 Main St.
Skokie IL 60076
(847) 673-8600